

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SUSAN M. BUDA, Personal Representative
for the Estate of ROBERT L. KEEGAN,
Decedent,

Plaintiff,

Case No. 11-cv-12076
HON. GERSHWIN A. DRAIN

vs.

ROBERT J. BROTHERS, II, M.A., L.L.P.,
et al.,

Defendants.

ORDER OF DISMISSAL WITHOUT PREJUDICE

On November 13, 2012, the Court entered a Stipulated Order Approving Settlement and Authorizing Partial Distribution of Proceeds. *See* Dkt. No. 101. The Court's November 13, 2012, Order indicated that Plaintiff and Defendants Dennis Perry, R.N. and Edna Upton, R.N. had reached a settlement agreement.¹ There being no further communication with the Court to the contrary;

¹ All of the other named Defendants have previously been dismissed with prejudice from this action. Defendant Correctional Medical Services was dismissed with prejudice from this action on February 8, 2012. *See* Dkt. No. 74. Defendant Barbara Harding was dismissed from this action with prejudice on July 11, 2012. *See* Dkt. No. 86. Defendants Flossie Anderson, Daniel Cameron, Laura Heinritz, Darrell Monday, Vicki Ortiz, John Prelesnick, John Payne, Samantha Johnson, Kathleen Mutchler, Susan Davis and Bobbie Bivens were dismissed from this action with prejudice on September 20, 2012. *See* Dkt. No. 89. On November 1, 2012, Defendant Robert Brothers, II, M.S., L.L.P. was dismissed from this action with prejudice. *See* Dkt. No. 98.

This case is hereby DISMISSED WITHOUT PREJUDICE. The Court maintains jurisdiction over the distribution of the balance of the proceeds. The law firm of Benner and Foran shall submit a stipulated order regarding distribution of the proceeds as soon as practicable.

This case may be reopened, if necessary, by motion of either party, including, but not limited to, a motion to enforce settlement agreement, without payment of additional fees or costs. Alternatively, the parties may submit an order of dismissal with prejudice upon consummation of the settlement.

Defendant Barbara Harding's Motion for Summary Judgment [#75] is MOOT.

Defendant Dennis Perry, R.N.'s Motion for Summary Judgment [#77] is MOOT.

Defendant Edna Upton's Motion for Summary Judgment [#94] is MOOT.

SO ORDERED.

Dated: February 22, 2013

/s/Gershwin A Drain
GERSHWIN A. DRAIN
U.S. DISTRICT JUDGE